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Elections to fill vacancies in subsidiary organs and other elections: election of fifteen members of the Human Rights Council

Note verbale dated 5 January 2017 from the Permanent Mission of Malaysia to the United Nations addressed to the President of the General Assembly

The Permanent Mission of Malaysia to the United Nations has the honour to recall the decision of the Government of Malaysia to present its candidature to the Human Rights Council for the term 2018-2020 at the elections to be held at the seventy-second session of the General Assembly.

In accordance with General Assembly resolution 60/251, the Permanent Mission of Malaysia to the United Nations has the honour to present the voluntary pledges and commitments of the Government of Malaysia in support of its candidature (see annex). The Permanent Mission of Malaysia would be grateful if the present note verbale and its annex would be circulated as a document of the General Assembly.

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Annex to the note verbale dated 5 January 2017 from the Permanent Mission of Malaysia to the United Nations addressed to the President of the General Assembly

Candidature of Malaysia to the Human Rights Council, 2018-2020

Voluntary pledges and commitments pursuant to General Assembly resolution 60/251

1. Malaysia attaches the utmost importance to the work of the Human Rights Council as the principal United Nations body mandated to, among other things, promote universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner.

2. Given its strong commitment and active involvement in the promotion and protection of human rights, Malaysia is confident that it would be able to serve meaningfully and constructively on the Human Rights Council. Malaysia is thus seeking to be elected as a member of the Human Rights Council for the term 2018-2020.

Malaysia and the Human Rights Council

3. Malaysia was an active member of the Commission on Human Rights during the periods 1993-1995, 1996-1998, 2001-2003 and 2005-2006 before the Commission was dissolved. Thereafter, Malaysia was elected to the newly established Human Rights Council for the term 2006-2009, and subsequently for the term 2010-2013.

4. During its time on the Human Rights Council, Malaysia was involved in the convening of numerous special sessions of the Human Rights Council on a wide range of human rights issues, both thematic and country-specific, the negotiation on and the eventual adoption of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the creation of new special procedures mandates and the universal periodic review mechanism, and the drafting of declarations such as the United Nations Declaration on Human Rights Education and Training.

5. Throughout its tenure, Malaysia sought to promote a constructive rather than a confrontational and ideological approach to human rights issues. Malaysia continues to firmly believe that such an approach, based on the basic principles of human rights that are universal and inalienable, indivisible, interdependent and interrelated, is central to the work of the Human Rights Council. Malaysia also believes that a people-centred and non-politicized approach to human rights issues, pursued through dialogue and mutually agreeable technical cooperation, provides the best way of realizing the full spectrum of human rights for all.

6. Malaysia is confident that its membership in the Human Rights Council would contribute towards enriching the quality of dialogue, cooperation and action aimed at advancing the promotion and protection of human rights for all peoples in all parts of the world.

7. On the whole, Malaysia believes that, since its establishment, the Human Rights Council has contributed positively towards institutionalizing norms of cooperation and collaboration in global efforts aimed at tackling human rights issues. If elected to the Council, Malaysia will remain committed to further enhancing and strengthening these norms and values.

8. Malaysia reaffirms its belief in the universal periodic review mechanism as one of the most important innovations adopted in recent times by the United Nations

human rights system. Malaysia successfully undertook its first universal periodic review in February 2009 and its second universal periodic review in October 2013. The Government remains committed to participating in this mechanism and in efforts to promote and protect human rights in the country and globally. In the national context, Malaysia acknowledges the need to continuously monitor and, where necessary, to improve the implementation of those recommendations with a view to ensuring the continued enjoyment and exercise of all human rights by all persons in Malaysia.

9. As a developing country on a trajectory towards achieving the status of a developed nation, Malaysia is keenly aware of the need for capacity-building and technical assistance in the promotion and protection of human rights. In this regard, Malaysia believes that a stronger global partnership between the developed and developing countries could positively contribute to such progression through, among other things, information-sharing and technical exchanges.

10. Inclusivity and development have long been at the heart of the country's own transformation. In this regard, Malaysia recognizes the linkages between the recently adopted landmark 2030 Agenda for Sustainable Development and the wider human rights context, with the 17 Sustainable Development Goals encompassing virtually all internationally recognized human rights principles and standards. Therefore, Malaysia hopes to work together with other Human Rights Council members towards the development of human rights norms, based on a common goal of implementing the 2030 Agenda.

11. Like many delegations, Malaysia acknowledges that there is room for improvement in the Human Rights Council. During both of its terms as a Council member, Malaysia believes that it played a constructive role in the first years of the Council's establishment, as well as in the review of the work and functioning of the Council in 2011.

Efforts by Malaysia to promote and protect human rights at the national level

12. Since its independence in 1957, the efforts by Malaysia to promote and protect human rights at the national level have been reflected in its various laws and regulations, underpinned by the Federal Constitution of Malaysia, which provide the basis for these efforts.

13. The Federal Constitution contains provisions on equality and equal protection before the law. In addition, the Federal Constitution also provides for certain measures to ensure the adequate advancement of the Bumiputra ("native sons of the soil"), aboriginal people and natives of the States of Sabah and Sarawak. These measures are to ensure that these groups have equal enjoyment of human rights and fundamental freedoms. At the same time, the Federal Constitution emphasizes the State's responsibility to safeguard the legitimate interests of other communities.

14. In addition, while the Federal Constitution recognises Islam as the religion of the Federation, it further states that other religions may be practiced in peace and harmony in any part of the Federation. As such, it is clear that key values, which include moderation, tolerance and understanding, inherent in the Federal Constitution, provide the nation's moral compass.

15. The Government has recently taken further measures with the intention to realize a mature, modern and functioning democracy and further enhance civil liberty in the country. The right to assemble peaceably and without arms is a right under article 10 (2) (b) of the Federal Constitution, and the Peaceful Assembly Act enacted in 2012 introduced precision for its citizens who seek to exercise this right.

16. The Security Offences (Special Measures) Act, also enacted in 2012, abolished the practice of preventive detention without the authority of the courts. Under the Act, no person shall be arrested and detained solely for his political belief or political activity. Concomitantly, various outdated legislations were repealed, such as the Internal Security Act 1960, the Banishment Act 1959 and the Restricted Residence Act 1933.

17. Malaysia has continued to achieve significant progress in realizing the economic, social and cultural rights of its people. The Government has increased allocation for the construction of new schools and related infrastructure as well as the refurbishment of existing schools in the rural interior throughout the country. Vigorous efforts have been undertaken to ensure that students with special education needs enjoy wider access to education.

18. At present, Malaysia is on track towards further ensuring a structured, responsive and inclusive national health system. Significant measures have also been taken towards ensuring equitable access to needed care, especially by those with no or low incomes and/or are in economic hardship, the chronically ill, the mentally handicapped and persons in rural or remote areas, including the indigenous population.

19. Hard-core poverty in Malaysia was successfully eradicated in 2010, while the general poverty rate has declined from almost half of the population to a mere 1.7 per cent of the population as of 2012. Malaysia has achieved the Millennium Development Goal target on poverty reduction well ahead of schedule, with poverty eradication initiatives such as the eKasih programme winning international recognition from the United Nations Public Service Award committee.

20. The country's rapid industrialization has led to increased urbanization, which has given rise to greater financial pressures that constrain the ability of urban, middle-income households to secure quality and affordable housing. Malaysia has therefore prioritized the housing needs of those in the low- and middle-income categories with specific targets, including the construction and delivery of affordable housing units for the urban/peri-urban poor and those in the lower income bracket. In addition, Malaysia provides housing rental assistance for poor families in urban areas.

Efforts by Malaysia to promote and protect human rights at the regional and international levels

21. Malaysia has also been at the forefront of efforts to promote and protect human rights at the regional level, particularly within the context of the Association of Southeast Asian Nations (ASEAN). Malaysia played an instrumental role in the establishment of the ASEAN Intergovernmental Commission on Human Rights, demonstrating its steadfastness in pursuing forward-looking strategies to strengthen regional cooperation on human rights. In 2012, Malaysia and fellow ASEAN members adopted the ASEAN Human Rights Declaration, which reaffirmed the region's commitment to the Universal Declaration of Human Rights, the Charter of the United Nations, the Vienna Declaration and Programme of Action and other international human rights instruments.

22. Malaysia continues to support the work of ASEAN sectoral bodies such as the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children and the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers. Malaysia is also a strong proponent for measures against trafficking in persons through its involvement in the ASEAN Ministerial Meeting on Transnational Crime.

23. Malaysia has also contributed actively to the realization of human rights in all its manifestations worldwide. As a member of the United Nations, Malaysia subscribes to the philosophy, concepts and norms enshrined in the Universal Declaration of Human Rights, which sets out the minimum and common standard of human rights for all peoples and all nations. It has also ratified the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of Persons with Disabilities.

24. In line with its commitment to implement the principles and provisions enshrined in these international instruments, the Government has been progressively reviewing its position in accordance with its legislative framework, including the Federal Constitution, leading to the withdrawal of several reservations to both the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child in 2010. The Government further reaffirmed its commitment to promoting and protecting the rights of children by acceding to two Optional Protocols to the Convention on the Rights of the Child in 2012, namely the Optional Protocol on the sale of children, child prostitution and child pornography and the Optional Protocol on the involvement of children in armed conflict.

25. Malaysia continues to play a constructive role in promoting and protecting human rights at various United Nations forums, such as the Third Committee of the General Assembly, the Human Rights Council, the Economic and Social Council and its subsidiary bodies and the Security Council. Malaysia has also received visits from special procedures mandate holders, with recent visits from the Special Rapporteur on trafficking in persons, especially women and children (2015), the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (2014) and the Special Rapporteur on the right to food (2013).

26. In addition, Malaysia engages with the international community through its participation in the numerous human rights-related instruments to which it is a party, such as the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery; the Convention on the Nationality of Married Women; and the Convention on the Prevention and Punishment of the Crime of Genocide.

27. Within the context of the Organization of Islamic Cooperation, Malaysia strongly advocated for the establishment of the Independent Permanent Commission on Human Rights, which promotes civil, political, social and economic rights enshrined in the Organization's covenants and declarations and in universally agreed human rights instruments, in conformity with Islamic values.

28. Malaysia also actively participates in meetings of other intergovernmental organizations, such as the Non-Aligned Movement, the Commonwealth, the Asia-Europe Meeting and the Asian-African Legal Consultative Organization, where various human rights issues are discussed.

Pledges and voluntary commitments

29. If elected to the Human Rights Council, Malaysia pledges to:

- Engage constructively in the evolving modalities of work of the Human Rights Council to further enhance its role as a strong, fair, effective, efficient and credible institution entrusted with the promotion and protection of human rights worldwide and fundamental freedoms for all;
- Continue to support the work of the Office of the United Nations High Commissioner for Human Rights (OHCHR);

- Continue its active participation in the norm-setting work of the Human Rights Council;
- Nurture a spirit of cooperation within the Human Rights Council, based on the principles of mutual respect and dialogue, free from acrimony and politicization;
- Promote greater coherence between the work of the Human Rights Council with other United Nations agencies and mechanisms in achieving internationally agreed targets and goals;
- Actively support international action to advance the rights of vulnerable groups such as women, children and persons with disabilities.

30. Towards fulfilling these pledges, Malaysia is committed to:

- Deepening cooperation at the international level in supporting the work of various United Nations actors and mechanisms involved in the promotion and protection of human rights, such as OHCHR; the special procedures of the Human Rights Council; the United Nations Development Programme; the United Nations Population Fund; the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women); the United Nations Children's Fund; the Office of the United Nations High Commissioner for Refugees; the former International Research and Training Institute for the Advancement of Women, now merged with UN-Women; and the United Nations Environment Programme;
- Upholding the principles of dialogue and cooperation among all stakeholders in furthering the promotion and protection of human rights for all peoples;
- Supporting and implementing the 2030 Agenda for Sustainable Development, particularly with regard to realizing the right to development, including by supporting ongoing efforts aimed at its operationalization and implementation;
- Sharing best practices, experiences and achievements on the realization of human rights, including advancing the rights of women, children and persons with disabilities, and on poverty eradication, health and education, with interested partners;
- Engaging constructively with all stakeholders to ensure that the international community continues to create a supportive external environment towards the creation of economic stability, shared prosperity and equitable gains from globalization;
- Engaging continuously with all stakeholders to assess and monitor the implementation of recommendations from the universal periodic review process;
- Working continuously at the regional level with its partners under the ASEAN framework, and in particular with the ASEAN Intergovernmental Commission on Human Rights in the promotion of human rights in the region;
- Continuing to support the role and function of the national Human Rights Commission of Malaysia (SUHAKAM), including activities being implemented such as educating the public on human rights;
- Intensifying efforts to raise human rights awareness among all segments of the population, including law enforcement officials, members of the judiciary, government officials and other stakeholders.